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KENYON & KENYON LLP  
1500 K STREET N.W.  
SUITE 700  
WASHINGTON, DC 20005

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/670,635  
Filing Date: September 26, 2000  
Appellant(s): SHARPE ET AL.

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**AUG 10 2006**  
**Technology Center 2100**

Robert L. Hails, Jr, Reg. No. 39,702  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05/15/2006 appealing from the Office action mailed 12/12/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5485611	Astle	1-1996
0678816	Mizoguchi	10-1995

Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000, pp.1-18

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-27 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000) in view Mizoguchi Yoshiyuki (EP 0 678 816 A2).

Regarding on claims 1, 16 and 17, Shneiderman teaches a method or archiving and retrieving digital media items, comprising:

Receiving a user input identifying a group of users to which an archiving belongs (the user log on to the system) (fig. 4);

Receiving archiving input data identifying: a digital media item to be archived for the group the group (add photo) (fig. 4), the user's selection of zero or more group event types from a predetermined plurality of group event types specific to the group (visualizing personal histories workshop July 1997) (fig. 4), the user's selection of zero or more persons in the group (loskowski, Sharon, Li, Jia and Plaisant, Catherine) (fig. 4), and the user's selection of period (the starting date and the ending date) (fig. 4);

Generating index information using the received user archiving input (each photo should have a unique reference and photos with the same reference are not allowed to the stored in the in this table even through they have different attribute values) (col. 6, lines 14-17);

Repeating the reception of archiving input data, the generation of the index information and the storing of the index information for a plurality of digital media items (the processing continue for all other picture in my document) (fig. 4)

Shneiderman does not explicitly teach receiving retrieval input data representing a selection of a default or zero or more group event types from the predetermined plurality of group event types for the group, a selection of a default or zero or more persons in the group, a selection of time period; and using the selections and the identified group to retrieve and output digital media items that match the selection. However, Mizoguchi discloses "in the display state show in Fig. 9B, when one of the "person key", "place" key, and "other data" key in the upper right portion 7b is operated, a list of person information, place information, and other information stored as the associated data of the image data in the memory card MC are displayed in accordance with the operated search key. When given information "X" is operated in the list, images having the information "X" as the associated information are searched and displayed from the last one" (col. 10, lines 19-28). This suggests the user selecting the list of user, place and other data for a query. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman's system to include user selecting the list of user, place and other data as taught by Mizoguchi in order to retrieve media with different parameters.

Regarding on claims 2 and 18, Shneiderman teaches a method recited in claim 1 wherein the retrieval input data comprises a user input from user identifying a group to which the user belongs and the digital media items are retrieved using the group identified for the other user in the user retrieval input (user log in with the system which identify the person in the library) (fig. 4).

Regarding on claims 3 and 19, Shneiderman teaches a method recited in claim 1 including defining the distinct groups of people, and defining group event types that are appropriate for members of the groups to distinguish episodic events memorable to the group (each of the photo being association with group of users in the photo) (fig. 4).

Regarding on claims 4 and 20, Shneiderman teaches a method recited in claim 1 including receiving said digital media item to be archived, and storing said digital media item in association with the index information (col. 2, lines 14-17).

Regarding on claims 5 and 21, Shneiderman teaches the method recited in claim 1 including receiving archiving input data identifying a digital media item as being associated with a memorable high point in the mind of the user (time is the high point of the photo) (fig. 4).

Regarding on claims 6 and 22, Shneiderman teaches the method recited in claim 5 wherein the retrieval input data includes an input selecting memorable high points (searching by names of people in each photo) (col. 3, lines 8-9).

Regarding on claims 7 and 23, Shneiderman teaches the method recited in claim 1 wherein the index information includes an identification of a media type of the digital media item (col. 3, lines 4-8).

Regarding on claims 8 and 24, Shneiderman teaches the method recited in claim 7 wherein the retrieval input data includes an input identifying a media type, and the digital media items are retrieved and output based on the identified media type (col. 1, lines 4-8).

Regarding on claims 9 and 25-26, Shneiderman teaches the method recited the method in claim 1 including receiving archiving input data identifying a plurality of digital media items and an input identifying the digital media items to be associated as perceived by the user, wherein the index information is generated to include the identified association (the association with people, month and person) (fig. 6 in page 7).

Regarding on claim 10, Shneiderman teaches the method recited in claim 9 wherein when digital media items are retrieved and output as a result of the user retrieval input, any digital media items having the identified association in the index information are automatically identified for retrieval and output (page. 3, col. 2, lines 8-10).

Regarding on claim 11, Shneiderman teaches the method recited in claim 10 wherein the automatically identified digital media items are automatically retrieved and output (page. 3, col. 2, lines 8-10).

Regarding on claim 12, Shneiderman teaches a method recited in claim 10 including outputting a notification to a user that associated digital media items are available, and retrieving and outputting automatically identified digital media items in response to a user input page. 3, col. 2, lines 8-10).

Regarding on claims 13 and 27, Shneiderman teaches the method recited in claim 1 further comprising:

Receiving a user request for automatic nostalgic retrieval (page. 3, col. 2, lines 8-10),

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Automatically generating an initial set of said selections (page. 3, col. 2, lines 8-10),

Using the modified selections to retrieve and output digital media items (page. 3, col. 2, lines 8-10); and

Repeating the modifying, and retrieval and output steps (page. 3, col. 2, lines 8-10).

Claims 14-15 are rejected under the same reason as claim 1.

Regarding on claim 66, Shneiderman discloses method for archiving digital media items, comprising:

building a database that includes:

digital media items to be archived for the social group (fig. 4), and

index information for the digital media items, each instance of index information created from archiving input data identifying a user's response to a query that identifies a plurality of event types previously registered as associated with the social group, and persons previously registered as members of the social group (each photo should have a unique reference and photos with the same reference are not allowed to be stored in the in this table even though they have different attribute values) (col. 6, lines 14-17 and fig. 4). Shneiderman does not explicitly teach receiving a user input identifying a social group to which an archiving user belongs. However, Mizoguchi discloses receiving a user input identifying a social group to which an archiving user belongs (col. 10, lines 19-25). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman' system to include retrieving



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the group of people by inputting one as taught by Mizoguchi in order to retrieve media relating to one or all people in the group.

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi Yoshiyuki (EP 0 678 816 A2) in view Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000).

Regarding on claim 67, Mizoguchi teaches a method of searching digital media items, comprising:

Receiving a user input identifying a social group for which a search is to be conducted (col. 10, lines 19-25);

displaying a query that identifies the candidate identification values and including valid selections of an event type of the social group, persons from the social group and time (col. 10, lines 35-57),

Responsive to selection criteria made in response to the query, searching a database and retrieving digital media items that satisfy the selection criteria (col. 11, lines 9-12). Mizoguchi does not explicitly disclose Identifying candidate identification values based upon the social group. However,

Claims 58-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000) in view Astle (US. Patent No. 5,485,611).

Regarding on claim 58, Shneiderman teaches a media archival method, under control of an operator who is a member of a group:

Authenticating an operator as a member of a group of users (the user log in to the system to identify the photo in the sample library). Mbb) (fig. 4),

Identifying candidate identification values based upon the group with whom the operator is authenticated (one the user log in the C:\my photos\... the images and groups of people are identified) (fig. 4),

Querying the operator for selection of identification data to be associated with a digital media item, the query identifying the candidate identification values and including valid selections of an event type and persons from the group and time (after the log process successful, the system displays graphical user interface to allow the user to select people, date, location and description) (fig. 4). Shneiderman does not explicitly teach generating index information from a response of the operator, and storing the index information in association with the digital media item. However, Shneiderman discloses "each photo should have a unique reference and photos with the same references are not allowed to be stored in this table even through they have different values" (col. 6, lines 14-17). On the other hand, Astle discloses "an index can be prepared by the consumer while viewing the video footage stored within the database. The location on the particular video cassette may be denoted by a time index or a counter index, for example. Thus, the user-prepared index may indicate that he hot-air balloon event appears on video cassette number 12, starting at time 1:17:23 (in hours: minutes: seconds format) from the beginning of the video cassette, and/or at counter

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number 2351 from the beginning of the tape” (col. 2, lines 16-25). This suggests that the index is created with event and time. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman's system to include the creating of an index utilizing the event and time as taught by Astle in order to retrieve the image using different parameters.

Regarding on claims 59 and 63, Shneiderman teaches the archived method recited in claim 58, wherein the candidate identification values for persons include names of group members (selecting names in the library) (fig. 4).

Regarding on claims 60 and 64, Shneiderman teaches the archival method recited in claim 58, wherein the stored index information include names of group members (history visualization workshop) (fig. 4).

Regarding on claims 61 and 65, Shneiderman teaches the archival method recited in claim 58, wherein the stored index information includes a flag that distinguishes high point items from other items, and the method further comprises setting the flag if the operator response includes an indication that the digital media item is a high point (show name labels) (fig. 4).

Claim 62 is rejected under the same reason as claim 58.

#### **(10) Response to Argument**

##### **Argument of claim 58 and 62**

Applicant argues “None of the reference teaches or suggests the step of authenticating an operator as a member of a group of users, identifying candidate

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identification values based on the group or providing a query that includes valid selections of an event and persons from the group.”

The examiner respectfully disagrees with the above argument. First, as Shneiderman discloses in page the editing images and organizing photo in the web for group discussion about the collection, but annotation is limited into caption field (left column, lines 1-16). As known to all web application, each user in the discussion is required to authenticate in order to discuss or to annotate the images. Therefore, authenticating an operator as a member of a groups of user is the authenticating the each user the discussion or annotating of the photo collection. Secondly, Shneiderman discloses that since the names entered database the photos are retrieved using the entered names (page 1, abstract, lines 6-8). In another word, the system prompting the user to enter wide rang of retrieval criterions including names, event, time and keywords which are annotated by the user or operator as claimed.

#### Argument of dependent claims 59 and 63

Applicant argues “the person names and descriptions disclosed in Shneiderman are annotated referring to the contents of the annotated photographs. There is no relationship between the names in the master list and the operator of the program in Shneiderman.”

The examiner respectfully disagrees with the above argument. As examiner explains above, the operator is a member of the photo in fig. 4 for example Catherine in

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this case, the identification value is the name of a person as the member of the group of fig. 4 or the Catherine is the operator of the member of the master list.

Argument of dependent claims 60-64

Applicant argues "the fact that annotations may be shown on a photograph in Shneiderman has no relation to the user of the high point flag recited in claims 60-64..."

The examiner respectfully disagrees with the above argument. As discloses by Shneiderman in fig. 4, a person can annotated the user, description, keyword, date time and the location. As any of these attributes is the memorable indicator because all of user name, description, keyword, date time and location are attributes to index the photo and to retrieve photos.

Argument of dependent claims 61-65

The applicant argues "none of the cited art teaches or suggests that use of a "trail" as recited in the claims and described in the specification."

The examiner respectfully disagrees with the above argument. As fig. 4 discloses the series of pictures in the top right corner of the window. These pictures represent of the trial of the new photo in the database. Applicant also argues the term trail is clearly discloses in the specification; however, the teaching or explanation of the

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term trail does not imported from the specification. Therefore, "a trail" as claimed is being interpreted as to displaying the new series of picture in fig. 4.

Argument of independent claim 67 over Mizoguchi in view of Shneiderman

Applicant argues "Shneiderman fails to teach or suggest identification of social groups, identifying values based on the group or displaying a query that includes valid selections of an event type for the group."

The examiner respectfully disagrees with the above argument. The examiner provides the reasons and explanations as in claims 58 and 61.

Argument of independent claim 66 over Shneiderman in view of Mizoguchi

The applicant argues "the cited art fail to teach or suggest all elements of this claim. No reference, for example suggests that index information is derived from a query that identifies event types that have been previously registered as associated with a social group. Although, Shneiderman certainly refers to event information generally, he has no disclosure to suggest that event information is selected from a query that identifies event types. Are previously registered in association with a social group. Mizoguchi discloses no use of social groups or event types associated with social groups. The cited art fails to teach or suggest all elements of claim 66 even when considered collectively and, therefore, this rejection must be reversed."

The examiner respectfully disagrees with the above argument. Fig. 4 in Shneiderman discloses the indexing of picture with the plurality of people in the picture, the event date, location and picture is the identified as social group. An index of photo associates with people, event date and location. Clearly, in response from the user query, the system retrieves the photo based on index having association with people, event date, location which registered with an index. Mizoguchi discloses the in fig. 6c an image associated with event type, date time and person in the images for the purpose of retrieval using the event, date and person as keyword. The image in fig. 4A, B and C. identifies Yoshia, Inoue, Goto, Arai... is a social group.

Argument of independent claim 1

Applicant argues "the examiner fails to demonstrate a motivation in either reference to combine the teaching of Mizoguchi with teaching of Shneiderman."

The examiner respectfully disagrees with the above argument. Both Shneiderman and Mizoguchi disclose the method of indexing the photo using the person, date time, event type as the attributes for indexing. Any input from the user using person name, date time and event type to allow the photo to be retrieved. Since both of the applications are in the same field of the endeavor the motivation is provide for the combination.

Applicant argues "Shneiderman does not disclose a log in process."

The examiner respectfully disagrees with the above argument. Claim 1 does not require a log in process. In addition, the log in process has been addressed by the examiner in the above argument.

Applicant argues "Neither reference refers to groups of users. They certainly do not describe selecting group event types or persons, where the selections are based on a group of which the archiving user is a member."

The examiner respectfully disagrees with the above argument. As previously explanation, Shneiderman discloses in fig. 4 a group of user in the bottom left including all the people in the photo. The photo is being index with input keyword, date time, location. The same indexing method used in Mizoguchi of indexing people in the picture, date time, event types in fig. 4 A,B,C and 6. In both methods, the photo can be retrieved by entering the person name and/ or the even type of the photo as the user being a member of the photo or that specific event.

#### Argument of dependent claims 2-13

##### Claim 2.

Applicant argues "this rejection fails to address elements of the claim, specifically that the retrieval input data "comprises a user input from another user identifying group to which the others belong."



The examiner respectfully disagrees with the above argument. As Shneiderman discloses the 1-N or N-1 relationship between the members of picture of one group to another picture of another group which have a common person (page 7, left column, lines 15-23). Therefore, the common person will be the bridge between to photos and group of member of the photo.

### Claim 3

Applicant argues "this has no bearing on whether the people in the photo are users of the archiving system, nor whether the "group" of people shown in the photo is in any way related to the "groups" defined in the archival system of the present invention. Furthermore, it is unclear how the examiner believes that photographs define group event type as required by the claims."

The examiner respectfully disagrees with the above argument. As previously discloses, Shneiderman shows different group of people with each photo and these name are being indexed with this photo in fig. 4. each of photos is a group event because it presents an event with a photo having a group of people.

### Claims 5 and 6

Applicant argues "the examiner misunderstand the present disclosure, the cited reference, or both. Associating a photograph with a specific time as taught in Shneiderman is imply irrelevant to the concept of archiving a digital media item as

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“particular memorable event;” searching photographs based on the names of people in the photographs is similarly irrelevant to the concept of searching based on “high points.”

The examiner respectfully disagrees with the above argument. Shneiderman discloses indexing the photo with name of the people, event type, location and date. Any of these is the memorable event, since the claim does not clear what a particular event is. Therefore, any of this is the memorable event in fig. 4 in Shneiderman. According to Shneiderman, any of retrieval input for example name of person, event type, location and date is the high point. There is no specific definition for a high point. Therefore, high point is people, event type, location and date is high point in fig. 4. in Shneiderman.

#### Claims 7-8

The applicant argues “there is not suggestion in Shneiderman that digital media items can be archived or retrieved based on their media type.”

The examiner respectfully disagrees with the above argument. As Shneiderman discloses in fig. 4, the digital photograph is a type of media that can be retrieved (page 8, conclusion, lines 37-40).

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Claims 9-12

Applicant argues "there is no suggestion that a set of photo graph may group together based on an arbitrary association."

The examiner respectfully disagrees with the above argument. In page 6, right column, lines 5-19 discloses the collection of photo depending on the attributes titles, description, keywords, starting data, ending date... The photos are grouped by on these attributes.

Claim 13

The applicant argues "the claimed method repeatedly presents a user with digital media items, without requiring initial user input. The disclosure of a simple search-by-name function does not render the complex, automated, nostalgic retrieval process."

The examiner respectfully disagrees with the above argument. The claimed does not claimed repeatedly represent a user with digital media items, without initial user input; however, the claim recites "receiving a user request for automatic retrieval" a user request include user section or input from the initial state. Therefore, Shneiderman discloses this concept.

Claim 14-27

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The applicant argues “neither Shneiderman nor Mizoguchi teaches any application of user groups and group event types in archiving digital media items.”

The examiner respectfully disagrees with the above argument. As disclosed by Shneiderman the group of the people for discussion of the photo collection (page 3, left column, lines 5-16). The selection of zero or more group event types... is not required when the user selects zero events. And the selection of zero or more persons... is not required when a selection of zero persons, even if a person is selected then the retrieval of photos having the person name is retrieved.

The applicant also argues “there is no motivation to combine Shneiderman, Mizoguchi, and/or Astle.”

The examiner respectfully disagrees with the above argument. The examiner has provided the motivation to combine Shneiderman and Mizoguchi above. Shneiderman discloses annotating photos with attributes such as people name, date, location, keyword and description and storing for retrieval process. An indexing system is inherently used in Shneiderman; however, Shneiderman is silent in the use of indexing the photo with these attributes. On the other hand, Astle clearly discloses the method and process of indexing the frame. Therefore, the motivation to combine Shneiderman and Astle is to index with multiple attributes for better chance of retrieval of photos.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Examiner

BQ

Baoquoc N.To

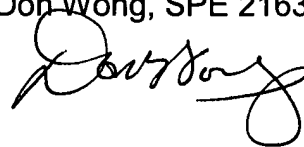
Conferees:

Tim Vo, SPE 2168



**TIM VO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Don Wong, SPE 2163



**DON WONG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**